

REMARKS

A typographical error ("Se" instead of "Sc") in two places in the specification and two places in the claims, and the abstract in the English translation submitted herein and (and also in the published PCT application in German), has recently been discovered. The error appears in the English translation at p. 2, line 2, p. 9, line 6 and in claim 1, line 3, claim 4, line 4, p. 13, line 6, where "Se" incorrectly appears instead of "Sc," which is the correct element.

As appears from the attached copy of the front page of the published PCT application, the abstract of that document correctly recites "Sc" and does not recite "Se."

Applicants submit that this amendment should be entered under 37 CFR 1.312. As noted in MPEP 714.16, the examiner has "authority to enter amendments submitted after Notice of Allowance of an application which embody merely the correction of formal matters in the specification or drawing, or formal matters in a claim without changing the scope thereof... without forwarding to the supervisory patent examiner for approval." That section of the MPEP also provides: "where amendments of the type noted are shown (A) to be needed for proper disclosure or protection of the invention, and (B) to require no substantial amount of additional work on the part of the Office, they may be considered and, if proper, entry may be recommended by the primary examiner."

As noted above, the correct designation "Sc" appears in the abstract on the front page of the published PCT application. In addition it is obvious to a person skilled in the art reading the specification of the above application that the disclosure of "Se" has to be a typing error, since the element selenium belongs to a totally different group of elements than the other possible elements for the component A of the garnet structure that are disclosed. Due to its electron configuration, the element Se is not suitable for the A-component of a garnet structure.

It immediately becomes clear to a person skilled in the art that the short form "Se" has to be replaced by the short form of a rare earth element, since all the other disclosed elements for the component A are rare earth elements. Thus it is obvious to a person skilled in the art that "Se" has to be replaced by "Sc". Apart from "Sm", which is already mentioned as a possible member of component A, Sc is the only rare earth element which begins with "S". Furthermore,

Applicant : Alexandra Debray et al.
Serial No. : 09/786,086
Filed : February 28, 2001
Page : 8

Attorney's Docket No. 12406-008001

there is no short form of a rare earth element the symbol of which ends with "e", besides "Ce", which is already disclosed as an activator for the garnet structure.

It is self-evident to a person skilled in the art that the disclosure of "Se" as a possible member of component A does not make sense and it immediately becomes obvious to the person skilled in the art which element was originally intended, namely "Sc". This also becomes all the more apparent from consideration of the front page of the published PCT application of which this application is a national phase.

Applicant asks that the amendment to the specification and claims be entered.

Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: April 9, 2001

Will E. Booth
William E. Booth
Reg. No. 28,933

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906